

255 Mulberry St.
Rochester, NY 14620
August 4, 1993

Louis N. Kash
Corporation Counsel
City of Rochester
City Hall, Room 400-A
30 Church St.
Rochester, NY 14614-1295

Re: Gay Alliance of Genesee Valley, Inc. v. City
Assessor

Dear Lou:

I am writing in response to your letter of July 29, 1993, concerning our settlement discussions of May and June 1993. In particular, I would like to clarify what is apparently a misunderstanding of the Gay Alliance's position in this case.

You correctly note that the GAGV has rejected the City's first and only offer because the GAGV will not, at this time, accept a tax exemption of less than 100%. Contrary to your understanding, however, the GAGV has a counteroffer which has been on the table since our first meeting in May.

As Susan Silverstein and I stated at our first meeting, to avoid further litigation, the GAGV is unwilling at this time to compromise on a 100% tax exemption, but is willing to compromise on costs, attorneys' fees, retroactive taxes, language of a public statement, and, to the extent possible, the sanctions matter. Given the City's written counteroffer that includes only a 65% partial exemption, we can only infer that your client has categorically rejected every conceivable permutation of our client's offer. If my inference is incorrect, please let me know because we are fully prepared to reopen discussions along these lines at any time.

Additionally, when you raised the notion of a partial tax exemption at our first meeting in May, Susan and I stated that we would recommend the consideration of such an option if you would give us a concrete example of the application of a partial tax exemption by Rochester or any other city in a situation comparable to this one; i.e., where the partial exemption was not based on a partial commercial use. We explained that we could not, in good faith, recommend that our client become the first organization ever to receive a non-commercial partial tax exemption, especially given the Judge's conclusion that the City's denial of a tax exemption discriminated against the GAGV. To date, you have not provided us with a single concrete example.

In our telephone conversation of July 27, 1993, I reiterated the GAGV's current willingness to compromise on all issues other than the 100% tax exemption. Any credible proposal by the City along these lines will be considered seriously and immediately by the GAGV at any time. Further, we remain willing to review the partial tax exemption concept at any time you can provide us with concrete examples of its application in previous similar situations.

I hope this information clarifies the GAGV's negotiation position in this matter. Susan and I share in your disappointment that this litigation could not be resolved through a settlement. Feel free to call me any time if you would like to discuss this matter further.

Very truly yours,

Ellen M. Yacknin, Esq.

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